

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

David Chasman and Haim Seth Chasman,

Plaintiff

Case Number 18-cv-6681

vs.

JPMorgan Chase Bank, N.A.
Chase Bank, and related subsidiaries,
Successor by merger of First National
Bank of Chicago,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Haim Seth Chasman and David Chasman,

Plaintiff

Case Number

vs.

1:17-cv-01210-NRB

JPMorgan Chase Bank, NA
Chase Bank, and related subsidiaries,
Successor by merger of First National
Bank of Chicago,

Defendant

Status of Earlier Filed Case:



Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

(If so, set forth procedural status and summarize any court rulings.)

The earlier-filed case was closed pursuant to a so-ordered stipulation of voluntary dismissal dated July 17, 2017. No appeal is pending.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The newly filed case, which JPMorgan Chase Bank, N.A. has removed from state court based upon diversity jurisdiction, is related to the earlier-filed case because both cases involve precisely the same plaintiffs, the same defendant, the same factual allegations, the same causes of action, and the same relief sought. Indeed, plaintiffs' complaint in the removed state court action consists of allegations that were taken verbatim from those set forth in their earlier-filed action in this court, except that plaintiffs omitted in their state court complaint the jurisdictional allegations that they set forth in their earlier-filed federal court complaint, apparently in an effort to evade federal jurisdiction and assignment to the same judge. Thus, the newly filed case is not merely related to the earlier-filed case, it is essentially the very same case. See Local Rule for Division of Business 4(b). It is respectfully submitted that the newly filed case should therefore be referred to the same judge, i.e., Judge Naomi Reice Buchwald.

Signature:



Date: 7/25/2018

Firm:

Becker, Glynn, Muffly, Chassin & Hosinski
LLP